UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
NGUYEN, ANGELA

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

	Application No.	Applicant(s)
Office Action Summary	10/519,236	PERROT, PHILIPPE
	Examiner	Art Unit	
	ANGELA NGUYEN	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on <u>25 February 2009</u>.
2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-11</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-11</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments and amendments, filed 2/25/2009, with respect to the rejection(s) of claim(s) 1-12 under 35 U.S.C. § 102 have been fully considered and are persuasive in light of the amendments thereto. Accordingly, the rejections are withdrawn, and a new grounds of rejection is presented below upon further consideration.

Specification

The disclosure is objected to because of the following informalities: spelling of "localization" is inconsistent with claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 8, 9, and 10 recite "wherein a localization comprises an IP address and a port configured to receive data transmitted over the IP multicast network". It not clear whether the wherein clause is supposed to modify the "service provider offer localization", the "stream localization", or both localizations. For purposes of

examination, the "localization" has been construed as the "stream localization" in claim 1, the "determined service provider offer localization" in claim 3, the "stream provider offer localization" in claim 8, the "predetermined offer localization" in claim 9, and the "service provider offer localization" in claim 10.

Claim 1 recites the limitation "the IP multicast network". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cameron

et al. (U.S. 2005/0028206), hereinafter Cameron.

With respect to claim 1, Cameron teaches a method for distributing discovery

information in an IP multicast television network, comprising:

multicasting offer information linking a service provider offer description

([0050], In addition, as indicated in FIGS. 6 and 7, another clicking configuration

may display a brief information banner 121 with relevant data (e.g., offer

information) concerning program content and timing for a highlighted selection

(i.e., "Travel with Beth" in FIG. 6 and "Debbie Travis' Painted House" in FIG. 7

(e.g., service provider offer description)).) and a service provider offer

localization within the IP multicast network ([0066], The DHCP server is

configured to return the multicast address and port (e.g., offer localization) as

parameters in a BOOTP response.),

multicasting stream information at the service provider offer localization,

the stream information linking a multi-service transport stream and a stream

localization within the IP multicast network ([0071], it gets the IP multicast

address and port (e.g., stream localization) of the selected channel (e.g., multi-

service transport stream) from the IPG Related Data object (e.g., stream information) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

wherein a localization comprises an IP address and a port configured to receive data transmitted over the IP multicast network ([0071], it gets the IP multicast address and port of the selected channel from the IPG Related Data object and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.).

With respect to claim 2, Cameron teaches the method according to claim 1, in which the offer and stream information are respectively cyclically multicast ([0050], The DTVM system transfers data from the text file into the service provider's database and then multicasts IPG data from the service provider's database across the network to the user on the PC display or television.).

With respect to claim 3, A method for broadcasting over an IP multicast network at least one offer of multimedia services received in a form of a bundle of transport streams, comprising:

attributing for each offer ([0050], In addition, as indicated in FIGS. 6 and 7, another clicking configuration may display a brief information banner 121 with

relevant data (e.g., offer) concerning program content and timing for a highlighted

selection (i.e., "Travel with Beth" in FIG. 6 and "Debbie Travis' Painted House"

in FIG. 7).) a determined service provider offer localization within the IP

multicast network,

wherein a localization comprises an IP address and a port

configured to receive data transmitted over the IP multicast network

([0066], The DHCP server is configured to return the multicast address

and port (e.g., determined service provider offer localization) as

parameters in a BOOTP response.),

creating a file of offer information describing for each offer a relation to

its attributed service provider offer localization ([0050], In addition, as indicated

in FIGS. 6 and 7, another clicking configuration may display a brief information

banner 121 with relevant data (e.g., offer information) concerning program

content and timing for a highlighted selection (i.e., "Travel with Beth" in FIG. 6

and "Debbie Travis' Painted House" in FIG. 7 (e.g., file of offer information)).).,

extracting, for each offer, transport stream information from the bundle,

the transport stream information comprising a transport stream identification for

each transport stream ([0071], it gets the IP multicast address and port of the

selected channel (e.g., a transport stream) from the IPG Related Data object (e.g.,

transport stream information) and `tunes` into the channel by joining the multicast

address, thereby retrieving the signal from the transport network rather than, as in

conventional tuning systems, tuning into one of several signals broadcast into the

home; figure 7, item 126, channel lineup (e.g., a transport stream identification)),

attributing for each transport stream identification a determined stream

localization within the IP multicast network ([0071], it gets the IP multicast

address and port of the selected channel from the IPG Related Data object and

`tunes` into the channel by joining the multicast address, thereby retrieving the

signal from the transport network rather than, as in conventional tuning systems,

tuning into one of several signals broadcast into the home; figure 7, item 126,

channel lineup (e.g., a transport stream identification), and

creating for each offer a file of stream information describing for each

transport stream a relation to its attributed stream localization ([0071], it gets the

IP multicast address and port (e.g., stream localization) of the selected channel

(e.g., a file of stream information) from the IPG Related Data object (e.g., stream

information) and `tunes` into the channel by joining the multicast address, thereby

retrieving the signal from the transport network rather than, as in conventional

tuning systems, tuning into one of several signals broadcast into the home.).

With respect to claim 4, Cameron teaches the method for broadcasting according

to claim 3, further comprising

adding, for each offer, a service provider offer description in the file of

offer information ([0050], In addition, as indicated in FIGS. 6 and 7, another

clicking configuration may display a brief information banner 121 with relevant

data (e.g., offer) concerning program content and timing for a highlighted

selection (i.e., "Travel with Beth" in FIG. 6 and "Debbie Travis' Painted House"

in FIG. 7 (e.g., a service provider offer description in the file of offer information).).

With respect to claim 5, Cameron teaches the method for broadcasting according to claim 3, wherein the extraction of transport stream information from the bundle comprises:

for each transport stream, extracting an original network Id for a network previously used to deliver the transport stream ([0064] ,The broadcast delivery system may also provide to the service provider an option of assigning URL's (e.g., an original network Id) to channel numbers. A URL is an address used to enable an Internet browser program to find a particular Internet resource, for example, `http://www.imagictv.com`.), and

inserting the original network Id in relation to the transport stream in the file of stream information ([0064], The broadcast delivery system may also provide to the service provider an option of assigning URL's(e.g., an original network Id) to channel numbers. A URL is an address used to enable an Internet browser program to find a particular Internet resource, for example, `http://www.imagictv.com`.).

With respect to claim 6, Cameron teaches the method for broadcasting according to claim 3, further comprising:

receiving for each transport stream, a corresponding stream of packetized data ([0071], it gets the IP multicast address and port of the selected channel (e.g.,

transport stream) from the IPG Related Data object and `tunes` into the channel

by joining the multicast address, thereby retrieving the signal from the transport

network rather than, as in conventional tuning systems, tuning into one of several

signals broadcast into the home.),

inserting the stream of packetized data into IP packets ([0071], it gets the

IP multicast address and port of the selected channel from the IPG Related Data

object and `tunes` into the channel by joining the multicast address, thereby

retrieving the signal from the transport network rather than, as in conventional

tuning systems, tuning into one of several signals broadcast into the home.),

multicasting the IP packets at the stream localization previously attributed

to the transport stream ([0071], it gets the IP multicast address and port (e.g.,

stream localization) of the selected channel from the IPG Related Data object and

`tunes` into the channel by joining the multicast address, thereby retrieving the

signal from the transport network rather than, as in conventional tuning systems,

tuning into one of several signals broadcast into the home.),

multicasting the file of offer information at a predetermined offer

localization ([0050], In addition, as indicated in FIGS. 6 and 7, another clicking

configuration may display a brief information banner 121 with relevant data (e.g.,

offer information) concerning program content and timing for a highlighted

selection (i.e., "Travel with Beth" in FIG. 6 and "Debbie Travis' Painted House"

in FIG. 7 (e.g., file of offer information)).), and

multicasting for each offer, the corresponding stream information file at

the service provider offer localization attributed to the offer ([0066], The DHCP

server is configured to return the multicast address and port (e.g., offer localization) as parameters in a BOOTP response.).

With respect to claim 7, Cameron teaches the method according to claim 6, in which the files of offer and stream information are respectively cyclically multicast ([0050], The DTVM system transfers data from the text file into the service provider's database and then multicasts IPG data from the service provider's database across the network to the user on the PC display or television.).

With respect to claim 8, Cameron teaches a method for receiving, in a set top box receiver compliant to receive a bundle of transport streams and connected to an IP multicast network, a transport stream from a bundle, comprising:

obtaining multicast stream information ([0071], it gets the IP multicast address and port of the selected channel from the IPG Related Data object (e.g., multicast stream information) and 'tunes' into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.) from a service provider offer localization,

wherein a localization comprises an IP address and a port configured to receive data transmitted over the IP multicast network ([0066], The DHCP server is configured to return the multicast address and port (e.g., a service provider offer localization) as parameters in a BOOTP response.),

processing the stream information to determine a stream localization previously attributed to the transport stream ([0071], it gets the IP multicast address and port (e.g., stream localization) of the selected channel (e.g., transport stream) from the IPG Related Data object (e.g., stream information) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

obtaining multicast IP packets from the determined stream localization ([0071], it gets the IP multicast address and port (e.g., determined stream localization) of the selected channel from the IPG Related Data object and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.), and

extracting packetized data from the obtained IP packets, thereby obtaining the transport stream ([0071], it gets the IP multicast address and port of the selected channel (e.g., transport stream) from the IPG Related Data object and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.).

With respect to claim 9, Cameron teaches a method for receiving in a set top box receiver compliant to receive a bundle of transport streams and connected to an IP

multicast network, a transport stream from an offer among one or many offers in the form

of bundles, comprising:

obtaining multicast offer information ([0050], In addition, as indicated in

FIGS. 6 and 7, another clicking configuration may display a brief information

banner 121 with relevant data (e.g., multicast offer information) concerning

program content and timing for a highlighted selection (i.e., "Travel with Beth" in

FIG. 6 and "Debbie Travis' Painted House" in FIG. 7).) from a predetermined

offer localization,

wherein a localization comprises an IP address and a port

configured to receive data transmitted over the IP multicast network

([0066], The DHCP server is configured to return the multicast address

and port (e.g., predetermined offer localization) as parameters in a

BOOTP response.),

processing the offer information ([0050], In addition, as indicated in FIGS.

6 and 7, another clicking configuration may display a brief information banner

121 with relevant data (e.g., offer information) concerning program content and

timing for a highlighted selection (i.e., "Travel with Beth" in FIG. 6 and "Debbie

Travis' Painted House" in FIG. 7).) to obtain a determined service provider offer

localization previously attributed to the offer ([0066], The DHCP server is

configured to return the multicast address and port (e.g., determined service

provider offer localization) as parameters in a BOOTP response.),

obtaining multicast stream information ([0071], it gets the IP multicast

address and port of the selected channel from the IPG Related Data object (e.g.,

multicast stream information) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.) from the determined service provider offer localization ([0066], The DHCP server is configured to return the multicast address and port (e.g., determined service provider offer localization) as parameters in a BOOTP response.),

processing the stream information to determine a stream localization previously attributed to the transport stream ([0071], it gets the IP multicast address and port (e.g., stream localization) of the selected channel (e.g., transport stream) from the IPG Related Data object (e.g., stream information) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

obtaining multicast IP packets from the stream localization ([0071], it gets the IP multicast address and port (e.g., stream localization) of the selected channel from the IPG Related Data object and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.), and

extracting packetized data from the obtained IP packets, thereby obtaining the transport stream ([0071], it gets the IP multicast address and port of the selected channel (e.g., transport stream) from the IPG Related Data object and

'tunes` into the channel by joining the multicast address, thereby retrieving the

signal from the transport network rather than, as in conventional tuning systems,

tuning into one of several signals broadcast into the home.).

With respect to claim 10, Cameron teaches a method for receiving, in a set top

box receiver compliant to receive a bundle of transport streams and connected to an IP

multicast network, a transport stream from an offer among one or many offers in form of

bundles, comprising:

obtaining multicast offer information ([0050], In addition, as indicated in

FIGS. 6 and 7, another clicking configuration may display a brief information

banner 121 with relevant data (e.g., multicast offer information) concerning

program content and timing for a highlighted selection (i.e., "Travel with Beth" in

FIG. 6 and "Debbie Travis' Painted House" in FIG. 7).) from a predetermined

offer localization ([0066], The DHCP server is configured to return the multicast

address and port (e.g., predetermined offer localization) as parameters in a

BOOTP response.),

processing the offer information to obtain a list of items ([0050], In

addition, as indicated in FIGS. 6 and 7, another clicking configuration may

display a brief information banner 121 with relevant data (e.g., offer information)

concerning program content and timing for a highlighted selection (i.e., "Travel

with Beth" in FIG. 6 and "Debbie Travis' Painted House" in FIG. 7 (e.g., a list of

items)).),

each item relating a service provider offer localization and an offer ([0050], In addition, as indicated in FIGS. 6 and 7, another clicking configuration may display a brief information banner 121 with relevant data (e.g., offer) concerning program content and timing for a highlighted selection (i.e., "Travel with Beth" in FIG. 6 and "Debbie Travis' Painted House" in FIG. 7).),

wherein a localization comprises an IP address and a port configured to receive data transmitted over the IP multicast network, obtaining, for each item from the list of items, multicast stream information from the service provider offer localization corresponding to the item ([0066], The DHCP server is configured to return the multicast address and port (e.g., service provider offer localization) as parameters in a BOOTP response.),

processing the stream information to obtain a transport stream list of transport streams and respectively related stream localizations ([0071], it gets the IP multicast address and port (e.g., stream localization) of the selected channel (e.g., transport streams) from the IPG Related Data object (e.g., transport stream list) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.), and

storing the transport stream list in the set top box ([0050], The subscriber accesses the IPG through components in the STB 22 or PC 30.).

With respect to claim 11, Cameron teaches the method for receiving according to claim 10, further comprising:

requesting a determined transport stream ([0071], it gets the IP multicast address and port (e.g., stream localization) of the selected channel (e.g., multi-service transport stream) from the IPG Related Data object (e.g., stream information) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

finding a stream localization corresponding to

the determined transport stream

in the transport stream list ([0071], it gets the IP multicast address and port of the selected channel from the IPG Related Data object (e.g., transport stream list) and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

obtaining multicast IP packets from the stream localization, and extracting packetized data from the obtained IP packets, thereby obtaining the determined transport stream ([0071], it gets the IP multicast address and port of the selected channel from the IPG Related Data object and `tunes` into the channel by joining the multicast address, thereby retrieving the signal from the transport network rather than, as in conventional tuning systems, tuning into one of several signals broadcast into the home.),

wherein the determined transport stream combines offers for multimedia services from a plurality of service providers, each of which broadcast using a different distribution system ([0026], At the head-end 24 of the system a video source 12 retrieves multimedial television /Internet signals for broadcast from various sources such as satellites in the form of MPEG-compliant, Multi-Program Transport Streams (MPTS) and these signals are delivered to (analog-to-digital) video encoders 14 or (digital-to-digital) transcoders 130 where they are converted to one or more IP Multicast Single-Program Transport Streams (SPTS); figure 2, see server complex 40 and broadcast network 26))

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA NGUYEN whose telephone number is (571) 270-5660. The examiner can normally be reached on Mondays through Fridays, 8 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. N./
ANGELA NGUYEN
Examiner, Art Unit 2442
May 22, 2009

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442